

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 08-00649-CV-W-FJG
)	
UNITED STATES CURRENCY IN THE)	
AMOUNT OF \$43,920.00, et al.)	
)	
Defendants.)	

ORDER

Currently pending before the Court is plaintiff's motion to dismiss claimant Goodyke's counterclaims for lack of subject matter jurisdiction (Doc. No. 34). Plaintiff correctly states the defendant in this matter is the United States currency, not claimant Goodyke. Accordingly, Goodyke cannot file counterclaims in this *in rem* proceeding. Further, the plaintiff, United States of America, has not waived its sovereign immunity to the claim. Upon motion of the plaintiff and for good cause shown, it is hereby **ORDERED** that the plaintiff's Motion to Dismiss Claimant Goodyke's Counterclaims (Doc. No. 34) is **GRANTED**.

IT IS SO ORDERED.

Date: December 4, 2009
Kansas City, Missouri

S/ FERNANDO J. GAITAN, JR.
Fernando J. Gaitan, Jr.
Chief United States District Judge